

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

**AMAZON.COM, INC and AMAZON
DATA SERVICES, INC.,**

Plaintiffs,

v.

**WDC HOLDINGS LLC d/b/a
NORTHSTAR COMMERCIAL
PARTNERS, et al.,**

Defendants,

Case No. 1:20cv484

**Hon. Rossie D. Alston, Jr.
Hon. Theresa Buchanan**

**WATSON AND NELSON DEFENDANTS’
JOINT MOTION TO COMPEL
COMPLIANCE WITH FED. R. CIV. P.
26(a)(1)(A)(iii)**

800 HOYT LLC,

Intervening Interpleader Plaintiff,

v.

**BRIAN WATSON, WDC
HOLDINGSLLC, BW HOLDINGS,
LLC,AMAZON.COM, INC, and
AMAZON DATA SERVICES, INC.**

Interpleader Defendants.

COME NOW Defendants Brian Watson (“Mr. Watson”), WDC Holdings, LLC dba Northstar Commercial Partners (“Northstar”), Sterling NCP FF, LLC, Manassas NCP FF, LLC, and NSIPI Administrative Manager (the “Northstar Defendants”), and Defendants Carleton Nelson and Cheshire Ventures, LLC (the “Nelson Defendants”) (collectively, “Defendants”), by and through their counsel of record, and move, pursuant to Fed. R. Civ. P. 37(a)(1) and Local Rule 37(A), for an Order compelling Plaintiffs to comply with their obligations under Fed. R. Civ. P. 26(a)(1)(A)(iii).

Plaintiffs served their initial disclosures on December 3, 2021. In doing so, Plaintiffs provided only a generic, single-sentence statement of the types of damages they are seeking, with no effort to quantify them or attribute an amount to any particular defendant. Nor did Plaintiffs provide the required computations to support their damages claims. Further, despite an explicit requirement to do so, Plaintiffs failed to make available for inspection or copying the documents in their possession, custody, and control that support their claimed damages. Instead, Plaintiffs impermissibly sought to defer their obligations under Fed. R. Civ. P. 26(a)(1)(A)(iii) claiming they need fact and expert discovery before they can provide the required information.

The Defendants respectfully request that the Court enter an Order compelling Plaintiffs to provide within three (3) days (as opposed to the normal eleven (11) days provided for in the Local Rules), complete disclosures under Fed. R. Civ. P. 26(a)(1)(A)(iii), including identifying and making available to Defendants the specific evidence supporting Plaintiffs' damages claims against the Nelson Defendants and the Watson Defendants, individually and collectively, for the costs and fees incurred in bringing this motion, and for any further relief the Court deems appropriate.

This motion is supported by Defendants' Brief in Support of the motion, the Declaration of Alex Little and attached exhibits, and all matters of record.

MEET-AND-CONFER CERTIFICATION

Counsel for Defendants certify that they conferred in good faith with counsel for Plaintiffs, including via letter on December 28, 2021, via several follow up emails, and then via telephone conference on January 7, 2022, requesting that Plaintiffs remedy the deficiencies immediately given the compressed discovery schedule in this case. Notwithstanding this correspondence, the parties were unable to reach an agreement resolving the issue, as Plaintiffs continue to insist that

their disclosure was proper under the law, and they are only willing to commit to proving an undefined “supplementation” on or around January 21, 2022. On the morning of January 18, 2022, Plaintiffs sent a follow up letter to the Nelson Defendants via email, holding fast to the position that their initial production was sufficient, and again only offering a “voluntary supplement” (as if it was not actually required) with no specifics as to what such a supplementation would contain.

This combination of failing to acknowledge there was anything wrong with Plaintiffs’ initial disclosure, their unwillingness to provide specifics as to how the purportedly forthcoming “supplement” would address the Defendants’ concerns, and the short discovery period in this case led to the filing of this motion.

Dated: January 19, 2022

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CERTIFICATE OF SERVICE

I, Rachel Friedman, hereby certify that on the January 19, 2022, I caused the preceding document to be electronically filed and served using the CM/ECF System, which will transmit a Notice of Electronic Filing to counsel of record. Additionally, the document and notification of filing will be sent by U.S. Mail to the following last-known address of the following parties:

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